

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

MONDAY, THE 19TH NOVEMBER 2007 / 28TH KARTHIKA 1929

Bail Appl.No. 6986 of 2007()

CRIME NO. 305/07 OF EDACHERY POLICE STATION

PETITIONERS/ACCUSED NOS. 1 TO 7

1. RAFEEQUE V.N., S/O ABDUL REHMAN,
AGED 29 YEARS, VADAKKE NAVATHU HOUSE,
ONCHIYAM DESOM, KANNOOKKARA P.O.,
VADAKARA TALUK, KOZHIKODE DISTRICT.
2. KUNJUBI, W/O ABDUL REHMAN,
AGED 48 YEARS, VADAKKE NAVATHU HOUSE,
ONCHIYAM DESOM, KANNOOKKARA P.O.,
VADAKARA TALUK, KOZHIKODE DISTRICT.
3. CELIE, D/O ABDUL REHMAN,
AGED 26 YEARS, VADAKKE NAVATHU HOUSE,
ONCHIYAM DESOM, KANNOOKKARA P.O.,
VADAKARA TALUK, KOZHIKODE DISTRICT.
4. RIYAZ V.N., S/O ABDUL REHMAN,
AGED 24 YEARS, VADAKKE NAVATHU HOUSE,
ONCHIYAM DESOM, KANNOOKKARA P.O.,
VADAKARA TALUK, KOZHIKODE DISTRICT.
5. SHABANA, W/O RIYAZ,
AGED 20 YEARS, VADAKKE NAVATHU HOUSE,
ONCHIYAM DESOM, KANNOOKKARA P.O.,
VADAKARA TALUK, KOZHIKODE DISTRICT.
6. ABOOBACKER, S/O BAMBAN ABDULLA,
AGED 58 YEARS, POONATHIL HOUSE,
ONCHIYAM DESOM, KANNOOKKARA P.O.,
VADAKARA TALUK, KOZHIKODE DISTRICT.
7. USMAN, S/O BAMBAN ABDULLA,
AGED 54 YEARS, POONATHIL HOUSE,
ONCHIYAM DESOM, KANNOOKKARA P.O.,
VADAKARA TALUK, KOZHIKODE DISTRICT.

BY ADV. SRI.P.M.HABEEB

RESPONDENTS:

1. STATE OF KERALA, REPRESENTED BY THE
PUBLIC PROSECUTOR, HIGH COURT OF KERALA, ERNAKULAM.
2. THE STATION HOUSE OFFICER,
EDACHERY POLICE STATION,
KOZHIKODE DISTRICT.

BY PUBLIC PROSECUTOR SRI. S.U. NAZAR

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 19/11/2007, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:

R. BASANT, J.

B.A.No. 6986 of 2007

Dated this the 19th day of November, 2007

ORDER

Application for anticipatory bail. The petitioners are husband (A1) of the defacto complainant and his relatives. The learned Prosecutor submits that petitioners 2 to 7 do not continue on the array of accused now, they having been found to be not guilty after the investigation. The petition in so far as it relates to petitioners 2 to 7 can hence be dismissed as agreed.

2. The learned counsel for the petitioner prays, the learned Prosecutor does not oppose the said prayer and I am satisfied that directions under Section 438 Cr.P.C. can be issued in favour of the first petitioners.

3. The marriage had taken place on 11.2.2007. There is no allegation of any injury having been suffered by the victim though she complained of pain consequent to physical assault by the first petitioner. Subject to appropriate conditions, anticipatory bail can be granted to the first petitioner.

4. In the result:

(1) This application is allowed in part.

(2) In so far as petitioners 2 to 7 are concerned, this application is dismissed as agreed.

(3) The following directions are issued under Section 438 Cr.P.C. in favour of the first petitioner.

(a) The first petitioner shall surrender before the learned Magistrate on 24.11.2007 at 11 a.m. The learned Magistrate shall release the petitioner/A1 on regular bail on condition that he executes a bond for Rs.25,000/- (Rupees twenty five thousand only) with two solvent sureties each for the like sum to the satisfaction of the learned Magistrate.

(b) The petitioner shall make himself available for interrogation before the Investigating Officer between 10 a.m. and 3 p.m. on 27.11.07 and 28.11.2007 and thereafter shall appear on all Mondays and Fridays between 10 a.m. and 12 noon for a period of one month and subsequently as and when directed by the Investigating Officer in writing to do so.

(c) If the petitioner does not appear before the learned Magistrate as directed in clause (1) above, these directions shall lapse on 26.11.07 and the police shall be at liberty thereafter to arrest the petitioner and deal with him in accordance with law.

(d) If the petitioner were arrested prior to their surrender on 26.11.2007 as directed in clause (1) above, he shall be released on bail on his executing a bond for Rs.25,000/- without any surety undertaking to appear before the learned Magistrate on 26.11.2007.

(R. BASANT)
Judge

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